

ROBERT M. SAMSON,
Plaintiff,

v.

STATE OF NORTH CAROLINA,
Office of the Attorney General,
Defendant.

This cause comes before the Court on plaintiff's motion to amend his complaint and motion for entry of default and defendant's motion for extension of time and motion to dismiss. The appropriate responses and replies have been filed, or the time for doing so has expired, and the matters are ripe for ruling.

Plaintiff, who proceeds *pro se*, filed a complaint against defendant in this Court on October 9, 2019. [DE 1]. On November 26, 2019, the Court granted defendant's motion for extension of time to respond to the complaint, allowing defendant until January 10, 2020 to answer or otherwise respond. [DE 11]. Plaintiff moved to amend his complaint on January 2, 2020. [DE 13]. On January 10, 2020, defendant moved again for an extension of time to answer or otherwise respond to the complaint. [DE 14]. On January 21, 2020, plaintiff moved for entry of default and opposed defendant's request for additional time. [DE 15]. On January 30, 2020, defendant moved to dismiss plaintiff's complaint and his requested amendment. [DE 16]. On February 10, 2020, plaintiff responded to the motion to dismiss and again requested to amend his complaint. [DE 20].

DISCUSSION

At the outset, defendant's motion for extension of time is GRANTED and the Court deems its motion to dismiss filed on January 30, 2020, timely filed.

Because leave to amend a pleading shall be freely given, Fed. R. Civ. P. 15(a), the Court GRANTS plaintiff's motions to amend his complaint. Plaintiff shall file a single amended complaint alleging each claim and naming each defendant not later than April 21, 2020. Accordingly, the Court DENIES defendant's motion to dismiss without prejudice to refile after the plaintiff files his amended complaint. Finally, as defendant has appeared in this matter, plaintiff's request for entry of default under Rule 55 of the Federal Rules of Civil Procedure is DENIED.

CONCLUSION

For the foregoing reasons, plaintiff's motions to amend [DE 13 & 20] are GRANTED. Plaintiff shall file his amended complaint not later than April 21, 2020. Plaintiff's motion for entry of default [DE 15] is DENIED. Defendant's motion for extension of time [DE 14] is GRANTED. Defendant's motion to dismiss [DE 16] is DENIED WITHOUT PREJUDICE.

SO ORDERED, this 7 day of April, 2020.


TERRENCE W. BOYLE
CHIEF UNITED STATES DISTRICT JUDGE